



501.42645VX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. SHUKURI et al
Serial No.: 10/767,069
Filed: January 30, 2004
For: SEMICONDUCTOR INTEGRATED CIRCUIT DEVICE
AND A METHOD OF MANUFACTURING THE SAME
Group: 2818
Examiner: D. NHU

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
POB 1450
Alexandria, VA 22313-1450

July 7, 2005

Sir:

In reply to the outstanding Office Action, dated June 7, 2005, the following responsive remarks to the Election Requirement made are respectfully submitted in connection with the above-identified application.

The requirement made by the Examiner, namely, to elect a single disclosed species from the two (2) listed on page 2 of the Office Action is noted. Accordingly, applicants, through their undersigned representative, are provisionally electing Species I and request examination therefor of claims 52-57, 63-67, 71-74 and 86-134, which are readable thereon. Moreover, it is respectfully requested that claims 139-149 also be included as part of the claimed group readable on the elected Species I since these claims are dependent claims of those which are readable on Species I. In other words,

the corresponding independent and any intervening claims pertaining thereto can be considered as encompassing the featured aspects which are further detailed with regard to the corresponding dependent claims 139-149. For example, with regard to the formation of the "third silicide layer" and the "fourth silicide layer", in the referred to silicide layers forming step, see the silicide layers 14 and 77 which are formed on the source and drain regions such as shown in Figs. 2, 27 et seq. (see claims 87, 89 et seq.). Additional details regarding the silicide layers formation step as well as other recited aspects with regard to the claims which read on the elected Species I are further detailed with regard to the additionally corresponding dependent claims 139-149. For these and other reasons, dependent claims 139-149 should also be considered as part of the claimed group relating to elected Species I.

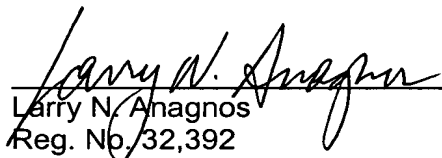
Applicants, through their undersigned representative, also urge the Examiner to examine the remaining claims, which are referred to as relating to Species II, in view of a substantial commonality of subject matter present between the claims of Species I and that of Species II, even though there may be patentable differences therebetween. Such commonality in subject matter, it is submitted, would also lead to a substantial amount of overlapping in the state-of-the-art searching directed to claims of both species. It is submitted, therefore, there would be no additional, serious burden to examine, also, the claims of Species II. According to U.S. Practice and as set forth in MPEP §803:

"[I]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent invention."

Therefore, for the reasons noted hereinabove, examination of not only claims 52-57, 63-67, 71-74, 86-134 and 139-149, which are considered to read on the elected Species I, but, also, the remaining claims, i.e., claims 135-138 and 150, which are said to read on the non-elected Species II, is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Dep. Acct. No. 01-2135 (501.42645VX1), and please credit any excess fees to such deposit account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP



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